IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 28 OF 2007.

Subhash Karbhari Londhe ..Petitioner
V/s
Anant Vishwasrao Bhalekar & Anr...Respondents.

Mr. Filji Fredric, Advocate for the petitioner.

Mr. Prashant Patil, Advocate for respodnent No.1.

Mr.S.R. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 17TH JANUARY, 2007.

P.C.

. Heard Mr. Fredric, learned Counsel for the petitioner and Mr. Prashant Patil, learned Counsel for respondent No.1. The petitioner is the accused in S.C. Case No. 5498 of 2006 for the offence punishable under Section 138 of Negotiable Instruments Act before the J.M.F.C.,Court Nasik. The complaint was field by respondent No.1. Short dispute is whether the signature on the postal acknowledgment of the notice issued by the respondent No.1 to the petitioner, bears the signature of the petitioner or not. For this purpose, the petitioner wanted the said disputed signature on acknowledgement to be referred to the handwriting expert for opinion. This application was rejected by the

learned Magistrate. According to the petitioner, he is not residing for last number of years at the address shown on the notice and that he was residing at a different place. Mr. Fredric the learned Counsel for the petitioner, pointed out that in the Cross-examination the complainant himself has admitted that since the year 2001, the accused is residing at Alephata, District Pune. If it is so, there is no need to refer the document to the handwriting expert. It appears that evidence of the complainant was completed some time in October, 2005 and application to refer the document to handwriting expert was moved in May, 2006. There is no explanation as to why the petitioner accused took 7 months time to make an application to refer the document to handwriting expert. even after completion of evidence of the complainant. It indicates that the attempt made by the petitioner was only to prolong the matter. In these circumstances, I find no fault with the order passed by the learned Magistrate.

2. The petition is devoid of any merits and therefore, is liable to rejected.

3. The petition stands dismissed summarily.

(J.H. BHATIA, J.)